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COUNSEL/PARTIES OF RECORD

MAY 23 2019

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 * * * * *

9 FRANK D'AGOSTINO.

Case No: 3:18-CV-0337-MMD-CBC

10 Plaintiff,

11 vs.

12 ROMEO ARANAS, et al.,

MOTION AND [PROPOSED] ORDER TO
WITHDRAW AS PRO BONO COUNSEL
OF RECORD

13 Defendants.

14
15 Adam Hosmer-Henner, Esq. of the law firm McDonald Carano LLP ("Counsel")
16 respectfully moves this Court for an order permitting Counsel to withdraw from the limited
17 appointment as the appointed pro bono counsel for Frank D'Agostino in the above captioned
18 matter pursuant to Local Rule IA 10-6.

19 This Motion is made and based upon the following Memorandum of Points and
20 Authorities, the Notice of Termination of Counsel filed by Mr. D'Agostino, and the pleadings
21 and papers on file herein.

22 Dated May 22, 2019.

23 McDONALD CARANO LLP

24 By /s/ Adam Hosmer-Henner

25 Adam Hosmer-Henner, Esq. (NSBN 12779)
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MEMORANDUM OF POINTS AND AUTHORITIES

2 Pursuant to the "Notice to the Court Plaintiff's Notice of Termination of Counsel" filed
3 by Plaintiff Frank D'Agostino on May 21, 2019, Mr. D'Agostino indicated that he "has
4 terminated the client attorney relationship with Hosmer-Henner, Esq. . ." (ECF No. 87). While
5 undersigned counsel respectfully disagrees with the statements made by Mr. D'Agostino,
6 withdrawal is appropriate given Mr. D'Agostino's position.

7 Local Rule IA 11-6(b) provides that “[n]o attorney may withdraw after appearing in a
8 case except by leave of the court after notice has been served on the affected client and opposing
9 counsel.” Furthermore, Local Rule IA 11-6(e) provides that “[e]xcept for good cause shown, no
10 withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any
11 hearing in the case.”

12 Counsel was appointed on March 20, 2019, for the limited purpose of representation
13 during the preliminary injunction motion and hearing stage of this case. Counsel respectfully
14 requests that the limited appointment as pro bono counsel be terminated and that withdrawal be
15 permitted. Counsel has provided notice to Defendants' counsel, Ian Carr, Esq., of his intention to
16 withdraw based on Mr. D'Agostino's Notice of Termination of Counsel and no objection thereto
17 was raised. Furthermore, opposing counsel in this case will receive notice of this Motion to
18 Withdraw via the CM/ECF system, pursuant to the certificate of service below and a hard copy
19 of the Motion to Withdraw will be mailed to Mr. D'Agostino.

20 Withdrawal of Counsel will not result in delay of discovery, trial, or any hearings that
21 have been set in this action.

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1 For all of the above reasons, Counsel moves the Court for an Order approving withdrawal
2 from the representation of Mr. D'Agostino in this matter.

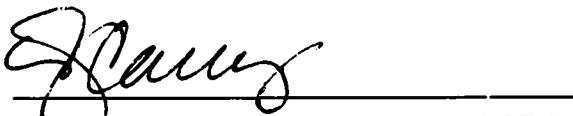
3 Dated May 22, 2019.

4 McDONALD CARANO LLP

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9 *Attorneys for Frank D'Agostino*

10
11 **ORDER**

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13 IT IS SO ORDERED.

14 
15 Adam Hosmer-Henner
16 UNITED STATES DISTRICT JUDGE /
17 UNITED STATES MAGISTRATE JUDGE

18 DATED: 5/23/2019

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